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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/730,976	12/10/2003	Toshihiko Kaku	4243-0105P	5101
2292 7590 07/09/2007 BIRCH STEWART KOLASCH & BIRCH PO BOX 747 FALLS CHURCH, VA 22040-0747			EXAMINER WASHINGTON, JAMARES	
			ART UNIT 2625	PAPER NUMBER
			NOTIFICATION DATE 07/09/2007	DELIVERY MODE ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

mailroom@bskb.com

Office Action Summary	Application No. 10/730,976	Applicant(s) KAKU ET AL.	
	Examiner Jamares Washington	Art Unit 2625	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 10 January 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-6 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-6 is/are rejected.
- 7) ☒ Claim(s) 5 and 6 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 10 December 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date <u>11/09/2005, 12/10/2003</u> | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Amendment

1. Applicant's amendments received on January 12, 2004 have been entered. Claims 1-6 are currently pending.

Priority

2. Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

Claim Objections

3. Claims 5 and 6 are objected to because of the following informalities:

The preamble is directed towards statutory subject matter in which an image correction program is stored on a program storage medium and "runs" on a computer to make the computer operate as an image correction device. However, the preamble closes with "...the image correction program comprising..." which is not accurately described in the proceeding description. The closing should read "...the image correction device comprising...". The following correction will be made hereinbelow for examination purpose.

Appropriate correction is required.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

5. Claims 1-6 are rejected under 35 U.S.C. 102(e) as being anticipated by Masakazu Matsugu (US 6987535 B1).

Regarding claim 1, Matsugu et al discloses an image correction device (“An object of the present invention is to provide an image processing apparatus...” at column 2 line 1) which makes image corrections to image data of an image to correct defects in local objects in the image (“...during photographing, a desired processing can automatically be applied to the photographed image. This is called a conversion photographing mode in the present

specification. The conversion photographing mode includes a red eye correction mode...” at column 10 line 62), the image correction device comprising:

an image acquisition section which acquires image data of an image (“...comprises an image formation optical system 12 including a photographing lens and a zoom photographing drive control mechanism; an image pickup element 14 such as CCD image sensor...” at column 3 line 19);

a detection section which detects objects to be subjected to the image corrections in the image corresponding to the image data acquired by the image acquisition section (“...a desired processing can automatically be applied to the photographed image...” column 10 line 62. “For the size and position of the object in the screen, the user can select one of two modes of an automatic detection mode and a manual setting mode” at column 11 line 1) and generates detection information which describes details of the detected objects (“During the recording, the photographing condition used for generating the synthesized image is encoded as incidental information...” at column 5 line 31); and

a storage section which stores the image data acquired by the image acquisition section and the detection information generated by the detection section by associating the acquired image data with the detection information (“...the extracted object image data and incidental information data stored in the storage unit are inputted...” at column 5 line 60).

Regarding claim 2, Matsugu et al discloses the image correction device according to claim 1, wherein the storage section associates the image data and the detection information with each other by associating the objects detected by the detection section in the image

corresponding to the image data (Fig. 11 numerals 220 and 232) with the detection information about the objects (“The image encoding circuit 232 compresses/encodes the image data together with the incidental data such as the photographing condition in the predetermined format...” at column 10 numeral 59.) The encoding circuit receives the incidental data and image data from the storage unit therefore the respective elements are acting as one unit.

Regarding claim 3, Matsugu et al discloses the image correction device according to claim 1, wherein the storage section stores the image data and the detection information by embedding the detection information in the image data as an electronic watermark (“The incidental information may be recorded as electronic watermark data so that it cannot visually be recognized on the image...” at column 14 line 63).

Regarding claim 4, Matsugu et al discloses an image correction device (“An object of the present invention is to provide an image processing apparatus...” at column 2 line 1) which makes image corrections to image data of an image to correct defects in local objects in the image (“...during photographing, a desired processing can automatically be applied to the photographed image. This is called a conversion photographing mode in the present specification. The conversion photographing mode includes a red eye correction mode...” at column 10 line 62), the image correction device comprising:

an image acquisition section which acquires image data of an image (“...comprises an image formation optical system 12 including a photographing lens and a zoom photographing

drive control mechanism; an image pickup element 14 such as CCD image sensor...” at column 3 line 19);

an image correction processor section which makes the image corrections to the objects in the image corresponding to the image data acquired by the image acquisition section and generates correction information which describes details of the image corrections made to the objects (As a result of the adjustment of the size and position of the extracted object image, when the user judges that the image has an appropriate arrangement and size in the background image, and pushes a synthesis.recording button on the operation panel, the synthesized image data (of course, excluding the auxiliary frame 52) is compressed/encoded and recorded in the storage unit 20 or the storage medium 30 (S10). During the recording, the photographing condition used for generating the synthesized image is encoded as incidental information, and may be recorded in the header section of an image data file, and the like. In addition to the photographing condition, the incidental information may include the coordinate of each point on the outline of the object part during synthesis recording...” at column 5 line 24), at least to the extent that the objects before the corrections can be reproduced (“The incidental information regarding the shape, position and size of the object can be read separately from the synthesized image in the subsequent photographing, and overlapped as auxiliary data with the displayed image on the display 24. Therefore, in a series of processing performed on the same type of the object from the object extraction to the synthesis with the background, a trouble necessary for the object extraction can be saved” at column 5 line 44); and

a storage section which stores at least either the image data acquired by the image acquisition section or the image data subjected to the image corrections by the image correction

processor section and the correction information generated by the image correction processor section by associating the acquired image data or the corrected image data with the correction information (“...the synthesized image data (of course, excluding the auxiliary frame 52) is compressed/encoded and recorded in the storage unit 20 or the storage medium 30...” at column 5 line 28.)

Regarding claim 5, Matsugu et al discloses an image correction program storage medium storing an image correction program that runs on a computer and makes the computer operate as an image correction device which makes image corrections to image data of an image to correct defects in local objects in the image (“...the computer in the apparatus or the system connected to various devices to operate the devices so that the above-described embodiment functions are realized is provided with a software program code for realizing the embodiment functions, and the computer (CPU or MPU) of the apparatus or the system may be operated by operating various devices according to the stored program... the software program code itself realizes the above-described embodiment function, and the embodiment is constituted of the program code itself and units for supplying the program code to the computer such as the storage medium in which the program code is stored. As the storage medium in which the program code is stored, for example, a floppy disk, a hard disk, an optical disk, an optomagnetic disk, CD-ROM, a magnetic tape, a nonvolatile memory card, ROM, and the like can be used” at column 18 line 64), the image correction program [device] comprising:

an image acquisition section which acquires image data of an image (“...comprises an image formation optical system 12 including a photographing lens and a zoom photographing

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drive control mechanism; an image pickup element 14 such as CCD image sensor...” at column 3 line 19);

a detection section which detects objects to be subjected to the image corrections in the image corresponding to the image data acquired by the image acquisition section (“...a desired processing can automatically be applied to the photographed image...” column 10 line 62. “For the size and position of the object in the screen, the user can select one of two modes of an automatic detection mode and a manual setting mode” at column 11 line 1) and generates detection information which describes details of the detected objects (“During the recording, the photographing condition used for generating the synthesized image is encoded as incidental information...” at column 5 line 31); and

a storage section which stores the image data acquired by the image acquisition section and the detection information generated by the detection section by associating the acquired image data with the detection information (“...the extracted object image data and incidental information data stored in the storage unit are inputted...” at column 5 line 60).

Regarding claim 6, Matsugu et al discloses an image correction program storage medium storing an image correction program that runs on a computer and makes the computer operate as an image correction device which makes image corrections to image data of an image to correct defects in local objects in the image (“...the computer in the apparatus or the system connected to various devices to operate the devices so that the above-described embodiment functions are realized is provided with a software program code for realizing the embodiment functions, and the computer (CPU or MPU) of the apparatus or the system may be operated by operating

various devices according to the stored program... the software program code itself realizes the above-described embodiment function, and the embodiment is constituted of the program code itself and units for supplying the program code to the computer such as the storage medium in which the program code is stored. As the storage medium in which the program code is stored, for example, a floppy disk, a hard disk, an optical disk, an optomagnetic disk, CD-ROM, a magnetic tape, a nonvolatile memory card, ROM, and the like can be used” at column 18 line 64), the image correction program [device] comprising:

an image acquisition section which acquires image data of an image (“... comprises an image formation optical system 12 including a photographing lens and a zoom photographing drive control mechanism; an image pickup element 14 such as CCD image sensor...” at column 3 line 19);

an image correction processor section which makes the image corrections to the objects in the image corresponding to the image data acquired by the image acquisition section and generates correction information which describes details of the image corrections made to the objects (As a result of the adjustment of the size and position of the extracted object image, when the user judges that the image has an appropriate arrangement and size in the background image, and pushes a synthesis recording button on the operation panel, the synthesized image data (of course, excluding the auxiliary frame 52) is compressed/encoded and recorded in the storage unit 20 or the storage medium 30 (S10). During the recording, the photographing condition used for generating the synthesized image is encoded as incidental information, and may be recorded in the header section of an image data file, and the like. In addition to the photographing condition, the incidental information may include the coordinate of each point on the outline of the object

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part during synthesis recording..." at column 5 line 24), at least to the extent that the objects before the corrections can be reproduced ("The incidental information regarding the shape, position and size of the object can be read separately from the synthesized image in the subsequent photographing, and overlapped as auxiliary data with the displayed image on the display 24. Therefore, in a series of processing performed on the same type of the object from the object extraction to the synthesis with the background, a trouble necessary for the object extraction can be saved" at column 5 line 44); and a storage section which stores at least either the image data acquired by the image acquisition section or the image data subjected to the image corrections by the image correction processor section and the correction information generated by the image correction processor section by associating the acquired image data or the corrected image data with the correction information ("...the synthesized image data (of course, excluding the auxiliary frame 52) is compressed/encoded and recorded in the storage unit 20 or the storage medium 30..." at column 5 line 28.)

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jamares Washington whose telephone number is (571) 270-1585. The examiner can normally be reached on Monday thru Friday: 7:30am-5:00pm.

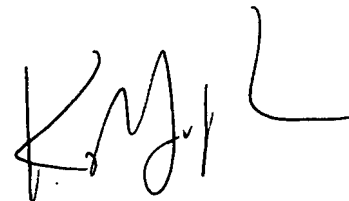
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Aung Moe can be reached on (571) 272-7314. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Jamares Washington
Junior Examiner
Art Unit 2625

A handwritten signature in black ink, appearing to be 'JW' with a stylized flourish above it.

June 21, 2007

A handwritten signature in black ink, appearing to be 'K. Y. Poon' with a long horizontal line extending to the right.

KING Y. POON
PRIMARY EXAMINER